

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEKENDRICK LAWUN MURPHY III
UNITED STATE SOVIET REPUBLIC,

Plaintiff(s),

CASE NUMBER: 08-13781

HONORABLE VICTORIA A. ROBERTS

v.

UNIVERSITY OF MICHIGAN @ ANN ARBOR
THE DEPARTMENT OF PUBLIC SAFETY

Defendant(s).

**ORDER GRANTING PLAINTIFF *IN FORMA*
PAUPERIS STATUS AND DISMISSING CASE PURSUANT
TO 28 U.S.C. §1915(e)(2)**

Plaintiff LeKendrick Lawun Murphy brings this *pro se* action against the University of Michigan at Ann Arbor and the Department of Public Safety, and requests that he be allowed to proceed *in forma pauperis*. Plaintiff asserts that his only income is \$7.65 that he earns in wages through Labor Ready. Plaintiff resides at the Robert J. Delonis Center, a homeless shelter in Washtenaw County.

28 U.S.C. §1915(a)(1) allows indigents to receive a waiver of filing fees:

[A]ny court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

Based upon the information provided by Plaintiff in his application to proceed without prepayment of fees, the Court GRANTS his *in forma pauperis* status, but **DISMISSES** Plaintiff's complaint as frivolous and for its failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

The *in forma pauperis* ("IFP") statute was enacted "to ensure that indigent litigants have meaningful access to the federal courts." *Wilson v Yaklich*, 148 F.3d 596, 600 (6th Cir. 1998), *cert. den.*, 525 U.S. 1139 (1999)(quoting *Nietze v Williams*, 490 U.S. 319, 324 (1989)). However, to curtail abuse of waivers granted under the statute, Congress also empowered courts to *sua sponte* dismiss IFP complaints that are frivolous or malicious, or that fail to state a claim on which relief may be granted. 28 U.S.C. §1915(e)(B)(i) and (ii). An IFP complaint "is frivolous where it lacks an arguable basis either in law or in fact." *Nietzke*, 490 U.S. at 325.

Plaintiff here brings a prisoner civil rights Complaint, however Plaintiff does not allege that he is incarcerated. Plaintiff says he was entrapped into trespass, sexually assaulted and robbed of \$100,000.00 in the course of his residency in Ann Arbor. Plaintiff also says the Department of Public Safety has been engaged in information gathering and corporate kidnaping. The Court is unable to discern any claims against the named Defendants with a rational or arguable basis in law. Therefore, the Court finds that the allegations in Plaintiff's complaint are frivolous and fail to state a claim upon which relief may be granted. Accordingly,

IT IS ORDERED that the Court will grant *in forma pauperis* status to Plaintiff.

IT IS FURTHER ORDERED that the within case is **DISMISSED**, pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: September 9, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on September 9, 2008.

S/Carol A. Pinegar

Deputy Clerk